



# Board of Livestock Meeting Minutes

September 21 & 22,  
2009

DRAFT

**MONDAY, SEPTEMBER 21, 2009**

**UNIVERSITY ROOM, HOLIDAY INN, BOZEMAN, MT**

**BOARD OF LIVESTOCK MEMBERS PRESENT:**

Stan Boone, cattle producer  
Brett DeBruycker, cattle producer  
Jan French, chair, cattle producer  
John Lehfeltdt, sheep producer  
Jeffery Lewis, dairy produce  
Linda Nielsen, vice chair, cattle producer  
Ed Waldner, swine producer

**STAFF:**

George Harris, administrator, Centralized Services  
Dr Bill Layton, administrator, Diagnostic Lab  
Christian Mackay, executive officer  
Steve Merritt, Public Information Officer  
Carol Olmstead, chief, Meat Inspection Bureau  
Dr Jeanne Rankin, assistant state veterinarian, Animal Health  
Sherry Rust, administrative assistant, recorder  
Dr. Tahnee Szymanski, field veterinarian Animal Health Division  
Rob Tierney, manager, Bison Management program  
Dan Turcotte, chief, Milk and Egg Bureau  
Carol Olmstead, Meat Inspection Bureau

**GUESTS:**

Kim Baker, Montana Cattlemens Association  
Les Graham, Montana Livestock Auction Association, Montana Farm Bureau Federation  
Maren Olsen, Congressman Rehberg's office  
Aerial Overstreet, Montana Stockgrowers Association  
Lew Reeves, alternative livestock producer  
Paul Ringling, Montana Cattlemens Association  
John Steuber, USDA APHIS Wildlife Services  
Ronald C. Young

**CALL TO ORDER**      10:00 a.m.

**BOARD COMMUNICATIONS:**

Brett DeBruycker

- finished harvest, haying, planting, dry up here
- starting preconditioning shots soon

Jan French

- lots of hoppers, beautiful summer, but really dry now
- moved cows home from summer pasture last week

Linda Nielsen

- up and down with rains, hot and dry now
- cattle numbers-in the stockyards-are way up compared to last year

Stan Boone

- had a good summer, good moisture, some hail, starting to dry out now
- getting ready to wean

Ed Waldner

- swine industry, prices just won't come up, from "swine flu" impacts

Jeffery Lewis

- dairies look up
- very dry, fires in our area

John Lehfeldt

- ram sale was a good sale
- predators continue to be an issue
- dry as a bone, lots of grasshoppers

**APPROVAL OF MINUTES:**

**The minutes stand approved as presented.**

**APPROVAL OF EXECUTIVE OFFICER REPORTS:**

**Jeff Lewis moved to approve the executive officer report as presented. Linda Nielsen seconded. The motion carried unanimously.**

**APPROVAL OF CHAIRMAN INTERIM AUTHORIZATIONS AND ACTIVITIES:**

There were no interim authorizations or activities.

Dr Layton requested authorization of staff travel to certify on lab machine with expenses paid through the service agreement.

**John Lehfeldt moved to authorize staff travel as requested. Stan Boone seconded. The motion carried unanimously.**

**DIVISION REPORTS**

CENTRALIZED SERVICES, George Harris

- a. FY2010 budget reductions – 7% vacancy savings
  - reviewed the 7% vacancy savings reductions and the fiscal implications
  - provided spreadsheet showing dollar amounts by program
  - explained
- b. Budget Status/State Special Revenue Update
  - Kim Baker, livestock producer, MCA
    - experienced two predation s on Labor Day weekend, requests more funding for Wildlife Services (predator control program)
- c. Per Capita Fee Setting
  - presented per capita fee data including final head counts as provided by the Department of Revenue and analysis for fund balance and projected fiscal needs
  - fund goal is to keep the cash balance the same in 2010 as year end was in 2009
  - total year end balance was \$3,865,459 for the division-historically this is where the board wanted the balance to be
  - recommended that the per capita fees remain the same-will generate \$3,661,014
  - Lew Reeves, alternative livestock producer
    - questioned the elk headcount (down by 71)
    - paying higher per capita fee than any other type of producer
    - asked the board to consider shifting some of the burden and look for ways to cut program costs
  - Dr. Zaluski

- provided a brief history of the alternative livestock industry and its connection to the department
- some producers are not paying their fees (approximately 400 head) but the department has no authority to collect the fees
- proposed reduction in personnel services (with two employees at 68% and 7.5%) and with animal health paying the difference of state/assistant state veterinarians and inspector's time and efforts
- would reduce per capita fee by \$2.66 to \$21.14 per head

**Linda Nielsen moved to reduce the alternative livestock per capita fee on alternative livestock to \$21.14 as proposed. Brett DeBruycker seconded. The motion carried with John Lehfeldt and Stan Boone voting no.**

**RECESS:** 11:40 a.m.

**RECONVENE:** 11:46 a.m.

**DIAGNOSTIC LABORATORY, Dr. Bill Layton**

**a. Contracts**

- biennial contract review for contracts between the veterinary diagnostic lab (VDL) and
  - Montana Department of Fish, Wildlife, and Parks
  - Montana Department of Public Health and Human Services
  - Michigan State University
  - Montana State University at Bozeman
- just minor changes and updates in contact information
- recommended approval of contracts as presented

**Linda Nielsen moved to approve the contracts as presented. Brett DeBruycker seconded. The motion carried unanimously.**

**b. Influenza Vaccination**

- as a member of the National Animal Health Laboratory Network (NAHLN) the VDL could be performing surveillance testing on H1N1 influenza – increasing exposure to lab staff
- recommends vaccination of lab personnel (21 positions) against both seasonal flu and H1N1
- precaution to avoid sick-outs during a time of possible surges in testing
- cost between \$750 to \$1,000 for both vaccines, available in budget

**Stan Boone moved the board authorize vaccination as requested. John Lehfeldt seconded. The motion carried unanimously.**

**c. Updates**

- six lab personnel completed bio-level 3 training this summer at MSU
  - MSU's Bio-security level 3 lab will now be available in an animal emergency incident with VDL staff trained to utilize it
- draft of state lab review report of needs should be out by January
- response to AAVLD requirements from last year's review
  - received one year extension
  - BOL needs a plan in place by October 2010 in response to requirements
- considering the use of a metal container for mouse and water proof record storage
  - working on placement issues with MSU
- parking lot needs resurfacing
  - approximate cost of \$4,000
  - MSU owns the building but claim the department is responsible for the lot

**RECESS:** 12:30 p.m.

**RECONVENE:** 1:45 p.m.

**GUEST SPEAKER,** Geoff Gamble, MSU president

- completion of bio-lab scheduled for 2010
- the combined labs will be state-of-the-art livestock genetic center
- challenged the BOL to all work together to solve the brucellosis issue – as the university will continue to work on the clinical side

**BEEF COUNCIL AGREEMENT,** Steve Harmon, executive officer, Montana Beef Council

- in attendance to sign the new agreement which is unchanged except for dates
- invited board members and staff to the annual meeting in Billings 8:00 a.m. tomorrow

The board tabled this issue until Tuesday to allow time for reading of the new contract.

**MILK & EGG,** Dan Turcotte

- reviewed activities regarding the 12 day rule
  - taking more accounts every month but are complying with the agreement
  - the department is waiting on the final hearing outcome

Ed Waldner

- the industry is upset that the hearing was pushed back to March

Christian Mackay

- Dan and he were not aware of the court date change
- will contact Clyde (attorney) to ascertain when and if the date was changed from December

Reports of bad milk bought on the 11th or 12th day have been received in the department and the Governor's consumer office

a. USDA Recommended Rules – proposal to adopt by reference

- recommends adoption of USDA Grade B rules into ARM by reference
- current rules are about 25 year old and need update to avoid having to enforce administratively
- provided board members with table and documents showing where changes should be made
- asked board to study and authorize filing of notice of proposed changes at the next board meeting

**RECESS:** 2:48 p.m.

**RECONVENE:** 3:10 p.m.

**PUBLIC INFORMATION OFFICE,** Steve Merritt

- working on his priority list and promo on the sheep permit award received by the department
  - brands rerecord information
  - website updating
  - newsletter
- a large part of the day is spent responding to letters to the department and those forwarded from the Governor's office

**MEAT & POULTRY INSPECTION,** Carol Olmstead

- recently completed an FSIS federal review – state plants must prove "equal to" federal standards
  - this year was a July-August review with on-site inspections

- 12 plants to visit in Montana and go through files in the office
- "findings" included no food safety items but several nonfood issues – mostly paperwork issues
- exit meeting is Wednesday with nine items for Carol to answer to
- FSIS published interstate rule
  - explained what the program is and is not
  - would not pertain to Montana's current program
  - industry in Montana is asking why not go federal if we want to ship out of state and keep the current state program

Jan French presented a 25 year pin and thank you card to Carol Olmstead for her years of service to the department.

USDA WILDLIFE SERVICES, John Steuber

- Yellowstone grizzly bear population relisted as threatened by Federal judge in Missoula
- record year (Federal Fiscal Year – Oct 1, 2008 through September 30, 2009) for wolf depredation
  - 22 adult cattle, 96 calves; 210 adult sheep, 26 lambs; 5 guard dogs, 1 herd dog, 2 pet dogs; 12 goats; 7 llamas
  - it is estimated that there are 7-8 times more killed livestock than is confirmed
  - wolf work up by about 100% from last year

Federal judge in Missoula has said he does not like the US Fish and Wildlife Services delisting criteria for wolves. Looks like the judge will relist wolves when he completes the study of the case as presented

- helicopter status
  - DOL's 1095T is up and flying
  - DOL's 6962C is down for regular scheduled maintenance and engine overhaul
  - USDA helicopter still grounded based on last rebuild
  - budget is a big issue - less and less funds with more and more work out there

PRODUCER ORGANIZATION UPDATES

MONTANA STOCKGROWERS ASSOCIATION, Ariel Overstreet

- in Washington D.C. last week working on producer issues

MONTANA CATTLEMEN ASSOCIATION, Paul Ringling

- invited all to attend the annual meeting December 3rd & 4th

**ADJOURNED:** 3:44 p.m.

The board to tour the Veterinary Diagnostic Lab following the meeting.

**TUESDAY, SEPTEMBER 22, 2009**

**UNIVERSITY ROOM, HOLIDAY INN, BOZEMAN, MT**

**BOARD OF LIVESTOCK PRESENT:**

Stan Boone, cattle producer  
Brett DeBruycker, cattle producer  
Jan French, chair, cattle producer  
John Lehfeldt, sheep producer  
Jeffery Lewis, dairy produce

Linda Nielsen, vice chair, cattle producer

Ed Waldner, pork producer

**STAFF:**

Darcy Anderson, manager, Brands Enforcement

John Grainger, administrator, Brands Enforcement

Marty Clark, assistant administrator, Brands Enforcement

Dr Bill Layton, administrator Diagnostic Laboratory

Christian Mackay, executive officer

Steve Merritt, public information officer

Dr. Jeanne Rankin, assistant state veterinarian, Animal Health

Sherry Rust, administrative assistant, recorder

Rob Tierney, supervisor, Bison Management Program, Animal Health Division

John Steeper, USDA APHIS Wildlife Services

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**GUESTS:**

Ariel Overstreet, Montana Stockgrowers Association

Jeanne Souvigney, Greater Yellowstone Coalition

Les Graham, Montana Association of Livestock Auction Markets/Montana Farm Bureau

Paul Ringling, Montana Cattlemens Association

**CALL TO ORDER**

8:00 a.m.

BEEF COUNCIL CONTRACT –tabled from Monday

**John Lehfeltdt moved to approve the Montana Beef Council contract as presented. Linda Nielsen seconded. Jeff Lewis abstained stating conflict of interest as a member of the Beef Council Board.**

Board discussion included

- question if Beef Council is acting under rules
- expelled one of the biggest producer organizations last winter – issue still not resolved
- need better reports of how funds are spent
- need to engage an outside auditor – legislative auditors are referenced in the contract

**John Lehfeltdt moved to rescind his motion. Linda seconded rescinding her second.**

**John Lehfeltdt moved to approved the Montana Beef Council contract with the provision that the board be provided an audit from the legislative fiscal auditors per the contract. Linda seconded. The motion carried with Jeff Lewis abstaining.**

**DIVISION REPORTS:**

BRANDS ENFORCEMENT, John Grainger

a. Grazing permits

- questioned whether grazing permits are wanted by the producers
- need to begin to tighten up on the process- and the two county segment
- if we abandon permits inspectors will have to pick up 22,000 inspections
- don't want to impede progress or commerce but in the interest of health, theft, etc the department needs to maintain traceability
- take the question up with producer organizations during annual meetings

b. Updates

- District Investigators Bill Blankenship and Wayne Ship recently received the Governor's Award in recognition of their good work in a theft case

- Estray law change coming up – will provide good tools and allow the department to better recover costs of holding strays
- working on a lifetime bull permit form – similar to Wyoming form-no need to write new ARM
- will have to draft ARM rules for procedures on the horse amnesty act – markets are behind the department on this
- other procedures causing issues because always done that way but need to write rules to back up the procedures
- c. Public Service Announcement & Dealer licensing
  - an issue of cattle sold and sent out of state prior to seller receiving payment – and not getting paid- 2 cases pending prosecution at this time
  - board discussed a public service announcement "seller beware"
  - public information officer suggests keep it direct to producers (through local inspectors and district investigators) – mass media might give a black eye to the industry
- d. Brand Conflict Request
  - Mr. & Mrs. Young requested addressing the board regarding their request for re-issue of a brand formerly owned by their father
    - brand recorder denied issue of the brand citing conflicts according to brand issue policies
    - brand conflict committee met and found that the brand recorder acted properly according to the conflict policy
    - board must act in best interest of all brand owners and are tasked with protecting current brands out there – not all positions are always available due to conflicts

**John Lehfeldt moved to reject the request because of conflicts as discovered by the brand recorder. Linda Nielsen seconded. The motion carried with Stan Boone voting no.**

GUEST SPEAKER, Bruce Samson, MSU Extension Specialist

- presented a discussion on H1N1 procedure in the event of an outbreak in the state
- finally after 2 years of recession pork prices started up then the "swine flu" label
- need to introduce a national procedure to handle "herd" diagnosed with H1N1
- stress virus not found in pigs, virus is human to human – not from pigs
- requested to be on the next agenda to have the board adopt this policy to conform with other states
- board directed Dr. Zaluski to work with them on this issue

ANIMAL HEALTH, Dr. Zaluski

- a. Brucellosis Action Plan
  - presented handout with a chart of risk surveys received from the seven counties plus other counties
  - 90,000 tests –reimbursed \$725,000 for tests completed
  - more testing to be done in December –will not exceed funding provided by the Legislature
- b. Trichomoniasis Administrative Rule re-write
  - Dr. Rankin reviewed the processes and meetings undertaken prior to working on the ARM draft
  - also reviewed the proposed new deputy vet rules and why they are needed
  - requested authorization to file the proposed new rules and rule changes with the Secretary of State ARM bureau

**Stan Boone moved to authorize the filing of the proposed rule change and new rule adoption with the Secretary of State ARM bureau as presented. Jeff Lewis seconded. The motion carried unanimously.**



RECESS: 10:40 a.m.

RECONVENE: 10:53 a.m.

c. Official Calfhood Vaccination (OCV)

- presented a draft of mandatory OCV for board discussion
- explained the four options and why OCV is needed
  - other Greater Yellowstone Area states are doing
  - marketability and perception
  - improve the immunity of the state herd
  - greater conformity throughout the state
- intent is to have 100% vaccination of heifers in the DSA plus out of DSA to be sold or kept for breeding
- asked if the board is interest in taking this forward or not
- 70% of Montana cattle are currently vaccinated

The board would like to bring the issue before industry organizations for comment prior to going forward. Producer concerns have not changed from prior meetings including:

- lack of large animal vets in some areas of Montana
- penalties and enforcement concerns
- costs to small ranchers

Christian Mackay explained that the concern is for Montana to remain the outlier of the three GYA states in the national perspective.

The board charged Dr. Zaluski and Mr. Mackay to continue to pursue this issue, solicit producer group comments and come back to the board at the November meeting.

d. Mondak Area Stockgrowers letter

- letter received requesting leniency in Montana's current brand and health rules for producers in the border area of Montana and North Dakota
- want inspections at the shipping point or destination as they feel the state line is an artificial boundary
- prior experience with ND on this issue did not work because of the numerous infractions and fines that were incurred
- Les Graham suggested leniency for this area on this issue would lead to more requests from other areas

**John Lehfeldt moved to deny the request and that Dr. Zaluski respond in a polite negative manner. Brett DeBruycker seconded. The motion carried unanimously.**

e. Miscellaneous Animal Health Issues

- NILE exemption (exempts Canadian show cattle from the required hot iron branding)
  - animals that are for sale are not eligible for the exemption
  - continuation of policy from last year

**Linda Nielsen moved to authorize the exemption as presented. Brett DeBruycker seconded. The motion carried unanimously.**

- completed an analysis of the online import system with staff completing assessment graphs
  - feedback provided from veterinarians
  - to ascertain if MT Interactive web based form at \$2 per permit was sufficient or to continue after hours answering service
  - limited interest in paying for web based permitting

OPEN MICROPHONE

Public Opportunity to speak

SET NEXT MEETING DATE: Monday November 16, 2009 - one day meeting  
Scott Hart Auditorium if available



**ADJOURNMENT**      11:51 a.m.

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JAN FRENCH, CHAIR  
BOARD OF LIVESTOCK